

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs

Case No: 08-20103  
Honorable Victoria A. Roberts

D-2 GARY ABERNATHY,

Defendant.

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**ORDER STRIKING *PRO SE* FILINGS BY  
A REPRESENTED PARTY**

Defendant Gary Abernathy filed a Motion and Combined Brief Expanding the Record With Objections [Doc. 43] *pro se*.

Federal law permits a criminal defendant to appear “personally or by counsel.” 28 U.S.C. §1654. This right is “disjunctive; a party may either represent himself or appear through an attorney.” Hall v Dorsey, 534 F. Supp. 507, 508 (E.D. Pa 1982).

There is no right, constitutional or otherwise, to “hybrid representation - the representation at the same time by counsel and *pro se*.” United States v Trapnell, 638 F. 2d 1016, 1027 (7<sup>th</sup> Cir. 1980). Therefore, as part of the latitude accorded district courts in managing their dockets, courts may bar *pro se* filings by represented parties. United States v Agofsky, 20 F. 3d 866, 872 (8<sup>th</sup> Cir. 1994) (finding no error in the court’s refusal to consider *pro se* motion where defendant was represented by counsel); United States v Tracy, 989 F. 2d 1279, 1285 (1<sup>st</sup> Cir. 1993) (“A district court enjoys wide

latitude in managing its docket and can require represented parties to present motions through counsel.”)

Accordingly, Defendant’s motion is **STRICKEN** and forwarded to defendant’s counsel without further consideration. Future filings are similarly barred so long as defendant continues to be presented by counsel.

**IT IS SO ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: August 20, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and Gary Abernathy by electronic means or U.S. Mail on August 20, 2008.

S/Carol A. Pinegar  
Deputy Clerk